

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"CLOSED-END INFUSION CATHETER WITH AN INTRODUCER AND A METHOD FOR USING THE SAME"

Case No. THA-P-00-001, the specification of which

X is attached hereto.
was filed on _____, as
Application Serial No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a)¹.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)
Number

Country

Date

¹(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application; and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:
Prior Foreign Application(s)

Number	Country	Date
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If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

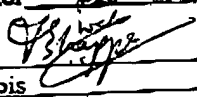
Prior Foreign Application(s) Number	Country	Date
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And I hereby appoint Brian M. Mattson (Reg. No. 35, 018) of the firm of Patents+TMS, A Professional Corporation as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Patents+TMS
A Professional Corporation
1914 N. Milwaukee Avenue
Third Floor
Chicago, IL 60647
Telephone: 773/772-6009

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor DR. VIVEK THAPPA M.D.

Inventor's signature 

Date 10/24/00

Residence Rockford, Illinois

Citizenship United States

Post Office Address 3703 Sherbrook Road, Rockford, Illinois 61114

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PATENTS+TMS

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Applicant or Patentee: DR. VIVEK THAPPA, M.D.
 Attorney's Docket No. THA-P-00-001
 Serial or Patent No: _____
 Filed or Issued: _____
 For: "CLOSED-END INFUSION CATHETER WITH AN INTRODUCER AND A METHOD FOR USING THE SAME"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 1.9 (f) and 1.27 (b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code to the Patent and Trademark Office with regard to the invention entitled "CLOSED-END INFUSION CATHETER WITH AN INTRODUCER AND A METHOD FOR USING THE SAME" as described in:

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such persons, concern, or obligation exist
☐ persons, concerns or organizations listed below*

FULL NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ non-profit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

DR. VIVEK THAPPA, M.D.
 NAME OF INVENTOR

Vivek Thappa
 SIGNATURE OF INVENTOR

10/24/00
 DATE